

REMARKS

Claims 1-5 are all the claims pending in the application.

Claims 1-5 are rejected under 35 U.S.C. § 103, as allegedly being unpatentable over U.S. Patent No. 5,925,794 to Hsu, *et al.* ("Hsu '794").

Applicants respectfully traverse.

Claim 1 recites that a basic compound is used in an amount of about 0.3 mol or less per mol of an acidic compound.

Hsu '794 teaches a process for the preparation of 3-(methylthio)propanal. Referring to page 4 of the Office Action, the Examiner concedes that Hsu '794 is deficient in that it fails to teach using a basic compound in an amount of 0.3 mol or less per mol of the acidic compound. The Examiner attempts to alleviate this deficiency by asserting that "one wishing to obtain 3-methylthiopropenal is taught to select the process of Hsu *et al.*" See page 4 of the Office Action.

Hsu '794 fails to suggest using a basic compound in an amount of about 0.3 mol or less per mol of an acidic compound. Hsu '794 teaches using pyridinium acetate as a catalyst in the process thereof. See, e.g., Examples 1 and 31. Pyridinium acetate is produced by reacting a pyridine (i.e., a base) with an equivalent amount of acetic acid (i.e., an acid). Equivalent amounts of pyridine and acetic acid result in using pyridine in an amount of 1 mol per mol of acetic acid. The amount of 1 mol per 1 mol of acetic acid is outside the range of 0.3 mol or less per mol of an acid. In this regard, a person of ordinary skill in the art would not have been

motivated to modify the process disclosed in Hsu '794 so that the amount of a base is 0.3 mol or less per mol of an acid.

Further, U.S. Patent No. 2,776,996 to Hunt *et al.* ("Hunt '996"), which was cited in the previous Office Action dated March 28, 2006, is evidence that the claimed amount proceeds contrary to the accepted wisdom. *See* MPEP § 2145(X)(D)(3) (involving improper rationales for combining references). Hunt '996 teaches that the amount of the acid is less than the amount of the base thereof throughout the reaction period. *See* col. 2, lines 25-38. In this regard, a person of ordinary skill in the art would not have been motivated to use a base in an amount of 0.3 mol per mol of an acid.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
Appln. No.: 10/665,006

Docket No: Q77349

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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